

STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
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IN REPLY REFER TO:

February 8, 2012

**HB2609**  
**RELATING TO COMMERCIAL DRIVER'S LICENSE**

**HOUSE COMMITTEE ON TRANSPORTATION**

The Department of Transportation supports this administration bill, because it will make Hawaii laws parallel the federal regulations. Federal Motor Carrier Safety Regulation 383.51 (c) (7) lists driving without a commercial driver's license in possession as a serious traffic violation. The proposed amendment will make this violation enforceable by State law and allow law enforcement officers to cite drivers for this violation instead of 286-102 (no driver's license) which is not counted as a serious violation.

Section 383.51 (c) (9) lists texting while driving a commercial motor vehicle as a serious traffic violation, which if accumulated, results in penalties that are progressively more serious. This bill puts Hawaii law in harmony with the federal regulation.

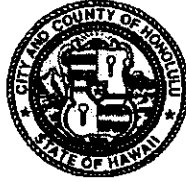
Beginning on August 1, 2011, new codes B57 Driving a CMV (commercial motor vehicle) without a CDL in the driver's possession and M85 Texting while driving were added to a list of codes used by all jurisdictions in the Commercial Driver License Information System (CDLIS), a United States-wide system about CDL holders and their driver histories, and in the Problem Driver Pointer Systems (PDPS), the United States-wide system identifying drivers who have been convicted and/or withdrawn for federally specified offenses.

A state must come in substantial compliance with the requirements in this bill as soon as practical but not later than October 28, 2013. Failure to enact the changes could result in the loss of approximately \$5,500,000 (or 5% of \$109,016,036 federal-aid highway funds (based on FY 2011 funding) for the first year of non-compliance and \$10,900,000 (or 10%) per year thereafter.



POLICE DEPARTMENT  
**CITY AND COUNTY OF HONOLULU**

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OUR REFERENCE KK-LC

February 8, 2012

The Honorable Joseph M. Souki, Chair  
and Members  
Committee on Transportation  
House of Representatives  
State Capitol  
Honolulu, Hawaii 96813

Dear Chair Souki and Members:

Subject: House Bill No. 2609, Relating to Commercial Driver's License

I am Kurt Kendro, Major of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports the passage of House Bill No. 2609, Relating to Commercial Driver's License, but would offer suggestions to amend this bill. Currently, the four counties have an ordinance that restricts the use of mobile electronic devices. Section 15-24.23, Mobile electronic devices, Revised Ordinances of Honolulu, prohibits a person from operating a motor vehicle while using a mobile electronic device. The ordinance further defines "use or using" as "holding a mobile electronic device while operating a motor vehicle." This language would make one law for the entire state. As currently written, this bill would be impossible for law enforcement officers to determine whether a driver was texting or making a phone call.

The HPD recommends that the language from Section 15-24.23, Mobile electronic devices, Revised Ordinances of Honolulu, be inserted into this bill so that there is one statewide law that prohibits the use of a mobile electronic device. I have attached a copy of this section from the Honolulu Revised Ordinances to this testimony for your reference.

Thank you for the opportunity to testify.

Attachment

APPROVED:

Sincerely,

A handwritten signature in black ink, appearing to read "Kurt Kendro".

KURT KENDRO, Major  
Traffic Division

A handwritten signature in black ink, appearing to read "Louis M. Kealoa".

LOUIS M. KEALOHA  
Chief of Police

*Serving and Protecting With Aloha*



February 8, 2012

**TESTIMONY BEFORE THE HOUSE COMMITTEE ON TRANSPORTATION,  
ON HB 2609 RELATING TO COMMERCIAL DRIVER'S LICENSE**

Thank you Chair Souki and committee members. I am Gareth Sakakida, Managing Director of the Hawaii Transportation Association (HTA) with over 400 transportation related members throughout the state of Hawaii.

Hawaii Transportation Association supports this bill.

The texting prohibition is already contained in the federal motor carrier safety regulations and this measure brings Hawaii's commercial drivers closer to those requirements.

Thank you.

**HOUSE COMMITTEE ON  
TRANSPORTATION**

February 8, 2012

House Bill 2609 Relating to Commercial Driver's License

Chair Souki and members of the House Committee on Transportation, I am Rick Tsujimura, representing General Motors, LLC (General Motors).

General Motors requests amendments to House Bill 2609 Relating to Commercial Driver's License.

We request that the following new subsection (c) be added to Section 1 of the measure on page 1, line 11 which would state: "This section does not apply to the use of hands-free or voice operated technology including the pressing of a button to initiate or terminate the operation of any such technology."

We also request adding to the definition in Section 2 of "Electronic device" on page 1, line 18 the following: "but does not include a device that is physically or electronically integrated into the motor vehicle."

Thank you for the opportunity to present this testimony.

## ichiyama1 - Curi

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 07, 2012 8:23 AM  
**To:** TRNtestimony  
**Cc:** crystalkpaul@yahoo.com  
**Subject:** Testimony for HB2609 on 2/8/2012 9:00:00 AM

Testimony for TRN 2/8/2012 9:00:00 AM HB2609

Conference room: 309  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Crystal Kia Paul  
Organization: Individual  
E-mail: [crystalkpaul@yahoo.com](mailto:crystalkpaul@yahoo.com)  
Submitted on: 2/7/2012

**Comments:**

Please pass this bill. It has been proven how dangerous texting and driving is. It goes without saying if you are driving your license should be with you. My husband has a CDL and he won't drive around the block without his license in his possession.

## GOODSILL ANDERSON QUINN & STIFEL

A LIMITED LIABILITY LAW PARTNERSHIP LLP

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**TO:** Representative Joseph M. Souki  
Chair, Committee on Transportation  
*Via Email: TRNtestimony@capitol.hawaii.gov*

**FROM:** Gary M. Slovin

**DATE:** February 7, 2012

**RE:** **H.B. 2609 – Relating to Commercial Driver’s License**  
**Hearing Date: Wednesday, February 8, 2012 at 9:00 am**  
**Conference Room 309**

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Dear Chair Souki and Members of the Committee on Transportation:

I am Gary Slovin testifying on behalf of the Alliance of Automobile Manufacturers (“Alliance”). The Alliance is a trade association of twelve car and light truck manufacturers including BMW Group, Chrysler Group LLC, Ford Motor Company, General Motors Company, Jaguar Land Rover, Mazda, Mercedes-Benz USA, Mitsubishi Motors, Porsche, Toyota, Volkswagen Group of North America, and Volvo.

H.B. 2609 prohibits text messaging while operating a commercial motor vehicle. The Alliance opposes the bill in its present form but can support the bill with the changes suggested below.

For H.B. 2609, we suggest adding a section (c) to Section 1 that states “This section does not apply to the use of hands-free or voice operated technology including the pressing of a button to initiate or terminate the operation of any such technology.”

We also suggest adding to the definition in Section 2 of “Electronic device” as follows: “but does not include a device that is physically or electronically integrated into the motor vehicle.”

Thank you for the opportunity to submit testimony on this measure.